



## **Gambier Island Local Trust Committee Minutes of Special Meeting**

**Date:** April 18, 2018  
**Location:** Gleneagles Golf Course, Great Hall  
                   6190 Marine Drive, West Vancouver, BC

**Members Present:** Susan Morrison, Chair  
                           Dan Rogers, Local Trustee  
                           Kate-Louise Stamford, Local Trustee  
  
**Staff Present:** Sonja Zupanec, Island Planner  
                           David Marlor, Director of Local Planning Services  
                           Diane Corbett, Recorder

### **1. CALL TO ORDER**

Chair Morrison called the meeting to order at 7:01 pm. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. Chair Morrison introduced trustees and staff in attendance. She acknowledged the presence of previous Local Trustees Kim Benson and Jan Hagedorn, and previous Island Planner Aleksandra Brzozowski.

### **2. APPROVAL OF AGENDA**

The following addition to the agenda was presented for consideration:

- Add to end of agenda if there is time: Trustee discussion regarding comments.

**By general consent** the agenda was approved as amended.

### **3. COMMUNITY INFORMATION MEETING**

#### **3.1 GM-RZ-2004.1 (District Lot 696, Keats Island) - Proposed Bylaw No. 143**

- 3.1.1 Planner Presentation – Bylaw No. 143 – Slides
- 3.1.2 Proposed Bylaw No. 143
- 3.1.3 Proposed Covenant for Water Conservation
- 3.1.4 Revised Proposed Covenant/SRW/Rent Charge for Salmon Rock Area
- 3.1.5 Proposed Covenant for Wellhead Protection

The Island Planner gave a PowerPoint presentation on the GM-RZ-2004.1 application that addressed the following topics:

- Context and current land regulations on District Lot 696;
- Proposed Bylaw No. 143;
- Three Local Trust Committee covenants proposed to be registered on title;

- Public input opportunities;
- Options the Local Trust Committee can consider post-Public Hearing;
- What happens if/when the Bylaw is adopted.

The Island Planner remarked that this was an opportunity for members of the public to ensure local officials know if they do or do not support what is proposed.

### **3.2 Question and Answer Session**

Chair Morrison noted that the applicant and owners were present. She invited questions and comments from the public.

Points raised included:

- The zone regulations on my lot disappear within the Comprehensive zone. Is there any guarantee that they come back? Do the zones no longer exist?
  - Staff explained that Bylaw No. 143 stipulates permitted uses. Permitted in the residential parcel is one single family dwelling per lot, same height, same setback from the natural boundary of the sea as previously. Due to the existence of 78 properties that cannot comply with a side setback, it has been stipulated that there be a three metre separation from buildings. The bylaw wipes clean the DL 696 zoning provisions, and allows for discharge of Bylaw No. 4, the Land Use Contract.
- Of the 110 lots, 100 lots exist today – where are the additional ten lots?
  - Staff explained that the lots were located and numbered on the map in the subdivision strata lot proposal in the agenda package.
- Inquiry about rent charge for the land being given up for the Sandy Beach Nature Reserve.
  - The Island Planner explained the rent charge is used to enforce the covenant, which includes monitoring. The rent is a maximum of \$500 per year. Someone comes yearly to inspect the site.
  - Director of Local Planning Services Marlor explained that the intent of the rent charge would be to give Islands Trust a chance to take some rent if something does not happen. That is in the covenant. The rent charge allows the Local Trust Committee to charge to recover costs, and makes it easier than going through court.
- Inquiry about liability for damage; the lands are currently being used now.
  - The Island Planner clarified that the owner of the land is entering into covenant with the Local Trust Committee, agreeing to protect the land and ensuring the covenant is being upheld. The covenant says who is responsible. The owner is agreeing, the best they can within reason, to protect those amenities. In the covenant, liability is not extended to the owners if it is an active trespass or vandalism.

- When the public hearing was held for these bylaws in 2007, there was a component that addressed the nonconforming uses, a Development Variance Permit (DVP) that could address the lots with a lot of “nonconforming”. There are also issues with respect to other structures. The Land Use Contract was brought in to allow the regularization in the development. Since the bylaws came in from the Sunshine Coast Regional District (SCRD) in the late 1970s and the new Land Use Bylaw in 2002, DL 696 has not been frozen. There is concern about some of the structures, some legal nonconforming. How are those issues addressed if not addressed through DVP?
  - Staff explained the majority of issues were related to side lot setback and lot coverage. It was deemed that two lots had exceeded the 33% lot coverage, with minor increases in lot coverage. At time of subdivision, there can be no further nonconformities. Lot coverage and setback from the sea are at existing setbacks. Height wouldn't trigger a negative referral.
- There was a freeze on building permits; there may be structures that are in no man's land. How would this be addressed?
  - If lot coverage is an issue, it has been addressed by information from the applicant. Setback would not be an issue. The only other piece would be height. If they applied for an additional building permit, in time these would be examined. The SCRD refers to Islands Trust; staff does a check-off to ensure it conforms to the bylaw and that an inspector made sure it was code compliant.
  - Josh Lupine, a representative of the owner, noted there were a number of sheds that do not comply with the three-metre separation and would have to be moved.
- Inquiry about whether a second well report was being done and looked at by trustees regarding the drinking water and the area of protection around the wellheads. Is there a report and, if there is such a thing, were trustees taking it into consideration when making a decision?
  - The Island Planner discussed the presentation slide on the covenant requirement in the Keats Land Use Bylaw. A second study was not being considered. One of the submissions on proposed Bylaw No. 143 was an eleven-page analysis of data used in the first hydrogeological report. The applicant has satisfied the wellhead protection conditions for rezoning and the Keats Island Land Use Bylaw. Through the subdivision process, Vancouver Coastal Health has possibly a more robust wellhead protection plan.
- Speak more about Sandy Beach Conservation Area. Are there other pieces of land on the islands that are protected in that way? Will that land be like a park? What is the vision for that land?
  - The Island Planner noted the SCRD park of 1.1 hectares will remain in a natural state. Sandy Beach Nature Preserve is not a recreational area. It will remain in a natural state. Islands Trust Fund would be owners of that land, and would have

a monitoring program. There will be public access to the SCRD park. The goal would be to ensure natural areas and features are protected.

- Trustee Stamford noted that Gambier Island has a couple of reserves. One is Artiban Nature Reserve. The public does access it, but it is not widely publicized and not advertised as a recreation spot. It is a low impact site. Gambier Conservancy maintains them.
- Inquiry about responsibility and liability of these properties that will be owned or monitored by other parties. Typically Sandy Beach and Salmon Rock are popular for parties. Camp staff had been attending to it. Do they still call the police? Who do they answer to?
  - Trustee Rogers explained that Salmon Rock, for which the owner would be responsible, would still be owned by the Convention and still private property, on which there is a conservation covenant. On Sandy Beach, Trustee Rogers hoped the neighbours would be involved in taking ownership of a protected nature reserve.
  - Island Planner Zupanec explained that Trust Fund Board would remediate any damage and could also pursue legal means to address issues.
- Request for clarification that management plans for Trust Fund Board properties usually have a local monitoring group.
- Inquiry about whether the three stage subdivision could be just two stages, with the last two stages being one.
  - The Island Planner reported the approving officer cannot approve a subdivision that is fee simple and strata at the same time; they have to separate the three first, then turn the residential parcel into a strata. They can submit the applications at the same time.
- If the second subdivision takes place and there are two large parcels: are two titles created at that point?
  - Yes.
- Is there any guarantee that one parcel cannot be sold separately from the other? If at one stage they have two lots, could they sell one of the lots (e.g. the residential lot to a developer)?
  - Kevin Healy, Applicant, explained that the subdivision does not allow strata and fee simple at same time. You cannot get strata subdivision until you build the sewer system. The current plan is to do the initial subdivision to meet requirements of the bylaw; then do subdivision.
- Request that the hydrogeologist give his opinion of whether the main drinking water wells were from confined or unconfined aquifers.
  - Matthew Mumford, hydrogeologist, provided background information on his involvement with this application and the process related to submission of the

initial and final versions of the hydrogeological report in July and November 2017, involving an iterative process of reviewing information. The original report refers to the aquifer as being a confined aquifer, for the reasoning that it is consistent with the definition of a confined aquifer in guidance documents, to which Mr. Mumford was still committed. It was not something revisited in each version of the document. The functional definition is referenced in the open pages of the Well Protection Toolkit.

- Mr. Mumford discussed his response regarding a letter submitted on this date to Islands Trust by another senior hydrogeologist regarding whether the aquifer is confined or unconfined.
- An individual commented on observing all of the water readings in the last five years. In September 2016, there was a massive rain, and high coliform. The speaker thought that something happened in that big rain event, and it continues to occur. It was 350 in October 2017.
  - Mr. Mumford acknowledged that it seems to be a repeating seasonal detection on well number 2 (September, October), lingering until December. The land around a well can hold rotting material. Initial rains flush material away. Wells will reflect the surface water quality.
- Before it was drilled, well number 2 was bare bedrock; it has six feet of junk fill on top. When it was drilled, the drill logs clearly state there is a bentonite well seal, so that well is unconfined. It has a well seal. The casing does not leak. Anything getting into that well has to be coming from the aquifer.
  - Mr. Mumford noted that the seal on that well is not compliant with new regulations.

**4. PUBLIC HEARING – scheduled to begin at 8:00 pm**

Public Hearing regarding Proposed Bylaw No. 143

**5. PUBLIC COMMENTS – none**

**6. TRUSTEE DISCUSSION REGARDING COMMENTS – none**

**7. ADJOURNMENT**

**By general consent** the meeting was adjourned at 8:24 pm.

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Susan Morrison, Chair

Certified Correct:

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Diane Corbett, Recorder